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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,802

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Adriano Malabarba

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23117 7590 12/24/2009  
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EXAMINER

CARTER, KENDRA D

ART UNIT

PAPER NUMBER

1627

MAIL DATE

DELIVERY MODE

12/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

The Supplemental Allowance is being sent due to errors in the previous action, which include the following: 1) in the Examiner's Amendment, claim 60 should be claim 61; and 2) in the index of claims, claim 32 should not be allowed, but claim 33 should be allowed.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arthur Crawford on October 19, 2009.

The application has been amended as follows:

1. In claim 33, line 1, after "treatment" delete "or prevention".
2. In claim 50, line 1, after "treating" delete "or preventing".
3. In claim 61, line 2, after "retinoic acid" delete "or derivatives thereof".

### **EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

Applicant's arguments filed July 13, 2009 has been fully considered. The restriction requirement between the composition and method filed February 23, 2009 is withdrawn. In light of the Applicant's arguments being persuasive and Examiner's amendments, claims 33, 47, 48 and 50-66 are allowed and renumbered to claims 1-20.

In light of Applicant's arguments being persuasive, all previous 35 U.S.C. 102 (b) rejections of claims 33, 47 and 48 are withdrawn. Particular, the compounds in the prior art are not the same as those claimed.

The following is an examiner's statement of reasons for allowance: The claims 33, 47, 48 and 50-66 are drawn to a composition and method to treat acne with a compound of formula I. There is no prior art disclosing the applicant's specific compound in a composition or used in a method to treat acne.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENDRA D. CARTER whose telephone number is (571)272-9034. The examiner can normally be reached on 9:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kendra D Carter/  
Examiner, Art Unit 1627

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/Shengjun Wang/

Primary Examiner, Art Unit 1627